Librarian,
Mizoram Legislative
Assembly, Aizawl.

The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

REGN. NO. N.E.—313 (MZ) Rs. 2/- per Issue

Vol. XXXIII Aizawl, Monday, 9. 8. 2004, Sravana 18, S.E. 1926, Issue No. 249

NOTIFICATION

No.C. 18012/3/91-FST, the 30th July, 2004. The following Amended guidelines for felling of trees from non-forest areas including in respect of plantations on non-forest areas in compliance with Supreme Court's order dt. 12.5.2001 in Writ Petition C.No. 202/93 duly approved by the Government of India, Ministry of Environment & Forests vide No. B-180/NEC/2001-Pt.III of 5.4.2004 is hereby published for general information.

This Notification superceedes previous notification issued under this Office letter No.C. 18014/21/96-FST/Pt.III dated 8th Feoruary 2002.

S.N. Kalita,
Secretary to the Government of Mizoram,
Environment & Forests Department.

GUIDELINES FOR FELLING OF TREES FROM NON FOREST AREAS ISSUED IN COMPLIANCE OF SUPREME COURT'S ORDER DATED 12.5.2001 IN WRIT PETITION (C) NO.202/95

Whereas, by order dated 12.5.2001 passed in Writ Petition (C) No.202 of 1995, the Hon'ble Supreme Court had directed, interalia, that guidelines/rules be framed regarding felling of trees from non-forest areas including in respect of plantations on non-forest areas :

Therefore, in pursuance of the directions of the Hon'ble Supreme Court referred to the above said order dated 12.5.2001 and in exercise of all the enabling powers vested in the State, the Govt. of Mizoram hereby issue the following Amended guidelines :

1.1 These guidelines shall be called the "GUIDELINES FOR FELLING OF TREES FROM NON-FOREST AREAS".

1.2 These shall extend to the whole of the State including the District Council areas in respect of felling of trees from non-forest areas including tree plantations on said areas.

1.3 They shall come into effect from the date of their notification in the official gazette.

DEFINITIONS :

2. In these guidelines, unless there is anything repugnant to the subject or context.

(a) "Government" means Govt. of Mizoram.

(b) "Forets" means (I) Reserve Forest or Protected Forests or any other areas legally constituted as "Forest" and (ii) Any area recorded as "Forest" in Government records maintained by Forest Department or other Government Departments and (iii) deemed Forest area identified as per Supreme Court" order dated 12.12.96 in Writ petition (C) No.202/95.

(c) "Non-Forest Land" for the purpose of these guidelines means area which is not Forest as per 2 (b) above. 'Provided that a non-forest area where trees and tree plantations have been raised artificially shall continue to be treated as non-forest land".

REGISTRATION OF TREE PLANTATIONS :

3.1 Trees including tree plantations raised in non-forest areas by an individual or community or institution or non-government organisation or any other agency shall be registered with the Divisional Forest Officer concerned in the manner as may be prescribed in this behalf by the Principal Chief Conservator of Forest.

3.2 While registering the trees and tree plantation it shall, interalia, be ensured that the applicant is the legal title holder of the land and the area is non-forest land as per 2 (C) above.

3.3 The Divisional Forest Officer shall prepare and make available a certificate of such registration, which shall, interalia include a location map/ sketch of the plantations, to the registered holder with copies to the Village Level body, Deputy Commissioner/ Collector, Conservator of Forests and Principal Chief Conservator of Forests.

3.4 The Registration Certificate shall normally be issued within 90 days of the receipt of complete application by the Divisional Forest Officer.

3.5 The trees privately raised including tree plantation raised in non-forest area in the past must be registered by the respective owners with the concerned Divisional Forest Officer within a period of 3 years.

TREE SPECIES NOT REQUIRING FELLING PERMISSION

4.1 For felling and conversion of trees of following species from non-forest areas. including plantations of such species, no felling permission from Forest Department under these guidelines are needed : Kothal (Artocarpus integrifolia), Tung (Aleurites Fordii), all species of Bamboo, and other Horticultural tree species as specially approved by State Government in consultation with Principal Chief Conservator of Forests.

4.2 The State Government shall be the competent to add or delete any species in 4.1 above with prior concurrence of the Central Government.

PERMISSION FOR FELLING OF TREES

5.1(a) Application for permission for felling of trees for commercial purpose including in respect of registered plantations shall be made to the Divisional Forest Officer in the form prescribed by Principal Chief Conservator of Forests. The Divisional Forest Officer on receipt of the application shall satisfy himself as regards ownership of trees, tree plantation area and admissibility of felling and on his satisfaction shall endorse the application to a forest Officer of rank not below the rank of Forest Ranger to mark the trees as per prescribed procedure. The marking Officer shall confirm silvicultural maturity of the trees verify the records and carry out marking of the silviculturally available trees as per prescribed procedure and return the application to the Divisional Forest Officer along with his report and working lists. The Divisional Forest Officer shall forward the application along with marking details and his recommendation to the Conservator of Forests concerned. The Conservator of Forests after satisfying himself about the ownership of trees and admissibility of felling may accord approval for felling of marked trees under intimation to the Principal Chief Conservator of Forests.

5.1(b) In case of application for felling of trees including tree plantations in non-forest areas for non-commercial purpose and for meeting requirement of timber for domestic consumption, the Divisional Forest Officer on receipt of the marking list prepared as indicated in para 5.1 (a) will issue the formal approval for felling of trees and direct the Range Forest Officer concerned to issue formal permit for felling of the marked trees. The entire process for issuance of the permit for felling trees for such purpose shall be completed within 30 (thirty) days of the receipt of application completed in all respects.

5.2 After felling, the trees will be converted into logs and which shall be measured and necessary records prepared per procedure prescribed by the Principal Chief Conservator of Forests.

5.3 Royalty and Monopoly fee and/ or departmental charge as fixed by the State Government shall then be realised before removal of the logs.

TRANSIT OF TIMBER

6.1 After felling of trees, the transportation of timber shall be done under valid transit passes in accordance with the existing Transit Rules of the Forest Department.

6.2 The transit of timber out of the State shall be governed by the guidelines issued/to be issued by the Special Investigating Team and the High Power Committee appointed by the Supreme Court and the Regional Chief Conservator of forests North Eastern Region of the Ministry of Environment and Forests.

CONFISCATION OF TREES FELLED IN VIOLATION OF RULES/ GUIDELINES

7.1 Timber obtained from the trees felled in violation of these guidelines shall be deemed to have been confiscated to the State Government. However in genuine cases the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees to the legal title holder(s) after recovery of an amount equal to 50% of royalty and monopoly fee payable for the trees/ timber over and above the usual charges as leviable under clause 5.3 above. However such released timber shall not be eligible for purchase or use by any wood based units, traders or registered timber transporters.

7.2 The confiscation of timber as per 7.1 above is without prejudice to any action or penalty leviable under the relevant Acts or Rules.

Authenticated

Sd/—
Secretary to the Govt. of Mizoram,
Environment & Forests Department.

Published and Issued by the Controller, Printing & Stationery, Mizoram
Printed at the Mizoram Government Press, Aizawl C—700